

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

**GEORGE L. MOUTON,
Plaintiff**

v.

**CAROLYN W. COLVIN,
COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,
Defendant.**

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No. 1:14-CV-00393- TH/KFG

**ORDER OVERRULING OBJECTIONS AND ADOPTING
REPORT AND RECOMMENDATION**

The Plaintiff requests judicial review of a final decision of the Commissioner of Social Security Administration with respect to her application for disability-based benefits. This matter has been referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge submitted a report recommending that the decision of the Commissioner be affirmed. The court has considered the report and recommendation filed on July 28, 2016 (Doc. # 16) and the Plaintiff's objections (Doc. # 17). The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* Fed. R. Civ. P. 72(b). After careful consideration, the court concludes that the Plaintiff's objections are without merit.

Plaintiff complains that the magistrate judge determined that the ALJ properly weighed the opinions of the treating psychiatrist Dr. Groves. In the report and recommendation, the magistrate judge correctly sets out that Dr. Groves' opinion was not given controlling weight as

the ALJ found Dr. Coxe's opinions more persuasive. Dr. Coxe performed a psychological evaluation on Mouton and found her activity level to be normal, her emotional tone unremarkable, she was compliant with medications and did not have any side effects and she was able to perform and cope with daily responsibilities. The magistrate judge found that the ALJ relied on Dr. Coxe's opinions in determining that Dr. Groves' opinions should be given less than controlling weight.

Plaintiff's second complaint is that the magistrate judge committed error when finding that the ALJ properly considered Mouton's statements about her condition not credible. The magistrate judge explicitly states the evidence the ALJ considered, which included Mrs. Mouton's daily activities, physical complaints and the medical evidence in making the credibility determination; which constituted substantial evidence.


Plaintiff's third complaint is that the magistrate judge found that the ALJ's hypothetical to the vocational expert included all of Mouton's mental limitations. The magistrate judge found that the ALJ's RFC finding was supported by substantial evidence and the ALJ considered the vocational expert's testimony, Mouton's work experience and the RFC when determining that she could make a successful adjustment to other work that exists in the national economy.

The court concludes that the magistrate judge correctly identified and discussed the points of error argued by plaintiff and analyzed those points correctly. The magistrate judge properly examined the entire record to determine that substantial evidence supports the administrative law judge's assessments and determinations and the Commissioner's denial of benefits.

Accordingly, all of the Plaintiffs objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is

ADOPTED. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED this the **30** day of **August, 2016**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge